IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Writ Petition No. 710 of 2005 (S/S)

1. Prabha Shankar Sharma
S/o Shri Madan Lal Sharma
Presently posted as Assistant Teacher Junior High School, Hartapa Betalghat,
District – Nainital … Petitioner

Versus

1. State of Uttaranchal
through Secretary Basic Education,
Government of Uttaranchal, Dehradun
2. The Joint Director of Education (Basic)
Kumaon Division, Nainital, Uttaranchal
3. The Basic Shiksha Adhikari (Service)
Nainital
4. The Basic Shiksha Adhikari
Udham Singh Nagar … Respondents

Sri Deep Chandra Joshi, learned counsel for the petitioner.
Sri Paresh Tripathi learned Standing Counsel for the respondents.

Hon'ble B.C. Kandpal, J.

By way of this Writ Petition, the petitioner has sought a writ in the nature of mandamus commanding the respondents to relieve him to District Udham Singh Nagar from District Nainital on the vacant post of Assistant Teacher.

Brief facts as per the writ petition are that the petitioner was appointed as Assistant Teacher at Nainital.

In the year 1995, new District Udham Singh Nagar was bifurcated from Nainital and at that time the petitioner was asked to give option for District Udham Singh Nagar. The petitioner gave his option. Thereafter the petitioner made several representations before the authority concerned to relieve him to District Udham Singh Nagar for which he opted but of no vain, hence this writ petition.

Heard learned counsel for the petitioner, learned Standing Counsel for the respondents and perused the record.

The petitioner has filed the copy of the judgment passed in writ petition no. 837 (S/S)/ 2001, Mahendra Singh Yadav and others Vs. Joint Director of Education (Basic), Kumaon Division, Nainital and others and has submitted that in the identical matter this court has been pleased to direct the Joint Director of Education to transfer the petitioner from District Nainital to District Udham Singh Nagar.

In have gone through the judgment passed by this court in the writ petition as stated above and I am of the view that this matter is identical to the matter which has been decided by this court vide judgment and order dated 23.07.2004.

I accordingly direct the Joint Director of Education (Basic), Kumaon Division, Nainital, Uttaranchal, if he is holding the charge of Basic Schools and in case he is not holding the charge of the Basic Schools, the authority who is In-charge of the Basic Schools, shall decide the representation moved by the petitioner within a period of four weeks from the date of receipt of a certified copy of this order alongwith their representation before the respondent no. 2 / In-charge Regional Basic School Kumaon Mandal within ten days from today.

With these directions, the writ petition is finally disposed of.

(B.C. Kandpal, J.)

9th June, 2005
Shiv